

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

RICHARD ALAN WOODS

§

v.

§

CIVIL ACTION NO. 5:16cv169

MICHELLE HICKEY

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Richard Woods, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his rights in the Texas Department of Criminal Justice, Correctional Institutions Division. This Court referred the lawsuit to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendant is Sgt. Michelle Hickey.

Plaintiff alleged Sgt. Hickey stole items of personal property belonging to him. Sgt. Hickey filed a motion to dismiss the lawsuit, to which Plaintiff filed a response.

After review of the pleadings, the Magistrate Judge issued a Report recommending the motion to dismiss be granted and the lawsuit dismissed. Plaintiff received a copy of the Magistrate Judge's Report on July 16, 2018, but filed no objections thereto; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*


United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED the Report of the Magistrate Judge (docket no. 19) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the Defendant's motion to dismiss (docket no. 14) is **GRANTED** and the above-styled civil action is **DISMISSED WITH PREJUDICE** as to its refiling in federal court, but without prejudice as to any claims in state court or the administrative processes of TDCJ-CID which the Plaintiff may wish to pursue. Finally, it is

ORDERED any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 21st day of August, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE